

Department of Social and Health Services

DP Code/Title: M2-ES HSQB 10-Day Complaint Investigation

Agency Wide

There are 2 Programs in this DP

Budget Period: 2001-03 Version: 22 2001-03 1st Sup Agency Request

**Recommendation Summary Text:**

**Program(s): 050**

This item requests the funding and FTEs necessary to meet requirements set out by the Center for Medicare and Medicaid Services (CMS). CMS has mandated that complaints alleging actual harm in nursing homes be investigated within 10 working days. In Federal Fiscal Year 2001, CMS funded a one-time only grant for 100 percent of 9.0 FTEs with Title XVIII funds, and 58 percent of 5.0 FTEs with Title XVIII and Title XIX funds. In Federal Fiscal Year 2002, the Aging and Adult Services Administration (AASA) is required to match all 14.0 FTEs at the current match of 42 percent with state funds. The state budget currently does not reflect the authority to accept these federal funds, nor provide the state share necessary for these requirements.

**Fiscal Detail:**

**Operating Expenditures**

	<u>FY 1</u>	<u>FY 2</u>	<u>Total</u>
<b>Overall Funding</b>			
001-1 General Fund - Basic Account-State	420,000	512,000	932,000
001-2 General Fund - Basic Account-Federal	335,000	408,000	743,000
001-C General Fund - Basic Account-DSHS Medicaid Federa	260,000	316,000	576,000
<b>Total Cost</b>	<b>1,015,000</b>	<b>1,236,000</b>	<b>2,251,000</b>

**Staffing**

	<u>FY 1</u>	<u>FY 2</u>	<u>Annual Avg</u>
<b>Agency FTEs</b>	<b>11.8</b>	<b>14.0</b>	<b>12.9</b>

**Package Description:**

**Program(s): 050**

On a national and state level, elder abuse is an increasingly prominent and visible policy issue. Section 1864 of the Social Security Act, the agreement by which the federal government contracts with state agencies to conduct nursing home survey and certification related activities for Medicare and Medicaid, provides instruction to states as to how survey and certification activities are to occur. As part of the 1864 agreement, CMS has mandated that complaints alleging harm to residents in nursing homes must be investigated in the nursing home within 10 working days of the receipt of the complaint. AASA continues to have difficulty in meeting this March 1999 directive, largely related to a continued increase in volume of complaints, increased federal enforcement activity, and limited staffing.

A Governor-requested study addressing protection of vulnerable adults in Washington State found that "Frequently, surveyors must become complaint investigators in order to keep up with required or desired response times (Surveyors normally have not received investigator training). The number of complaint investigators available are perceived by many to be inadequate." (Study submitted by Riveland Associates, August 2000.) In addition to this evaluation, the federal General Accounting Office (GAO) conducted a repeat on-site evaluation of Washington State's complaint investigation timeliness in the spring of 2000. Results of this evaluation were reported to the Congressional Special Committee on Aging in September 2000. In the GAO report, Washington State was only able to meet federal timeliness requirements for on-site complaint investigation 75 percent of the time.

AASA was reviewed in June 2001 by a research contractor for CMS which is conducting a Complaint Investigation Improvement Project (CIP) evaluation. The evaluation effort is ongoing and the CIP evaluation team will be returning to AASA by early to mid 2002. Written reports will be available once the evaluation is completed.

An investigation conducted by the Washington State Auditor's Office (SAO) has also found AASA to be out of compliance with the requirements of Priority 2 complaint investigations. A Priority 2 complaint is one in which there is "a significant

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potential threat of risk or harm to a resident's physical and/or mental health or safety." As required to meet federal standards for complaint investigations, AASA has adopted a policy stating that Priority 2 "complaint investigations shall be initiated within ten (10) working days of receipt in the area office." The SAO report, dated October 12, 2001, indicates that AASA meets this timeline in only 66.1 percent of Priority 2 investigations.

Failure to meet the 1864 requirements risks loss of Federal Financial Participation (FFP). CMS demands performance from state agencies. Within existing federal statute, CMS has the ability to sanction states. Potential sanctions for failure to meet the 1864 agreement include termination of the agreement, and/or placement of temporary management into the state agencies. CMS regional and central office staff members continue to actively monitor Washington State and rate performance.

In Federal Fiscal Year 2001, CMS funded a one-time only grant for 100 percent of 9.0 FTEs with Title 18 funds, and 58 percent of 5.0 FTEs with Title XVIII and Title XIX funds. In Federal Fiscal Year 2002, AASA is required to match all 14.0 FTEs at the current match of 42 percent with state funds.

In Fiscal Year 2001, AASA was able to staff these activities within current FTE limits. This was due to vacancies that existed because of internal reorganization and recruiting and retention problems in some areas. Reorganization is complete, and additional funding provided for selected job classes is expected to eliminate or at least reduce recruiting and retention issues. AASA therefore needs additional FTEs to continue to staff these complaint investigation activities.

## Narrative Justification and Impact Statement

### *How contributes to strategic plan:*

Program(s): 050

This request directly supports public values of the agency scorecard, "...that people are safe from abuse/neglect; that services promote public safety; and, that clients maintain or improve their health."

The complaint system is our most direct link to the public and consumers that AASA is charged with protecting. AASA conducts more on-site complaint investigations per 1,000 beds than any other state. Two fundamental practices distinguish AASA's complaint system. First, AASA widely publicizes the complaint hotline number, and encourages the public to notify the state regarding abuse, neglect, exploitation, and care concerns. Secondly, AASA has mandatory self-reporting requirements for nursing homes related to allegation of abuse, neglect, and exploitation of residents. Both of these system features are components that CMS and the GAO have noted as exemplary. The success of any complaint system is based on the state's ability to employ highly trained and qualified professionals who can prioritize complaints appropriately, and complaint investigators who can respond in a timely manner.

### *Performance Measure Detail*

Program: 050

Goal: 02E Address Client and Family Needs

Incremental Changes

FY 1

FY 2

No measures submitted for package

### *Reason for change:*

Program(s): 050

Additional investigative staff will result in increased compliance with federal timeliness requirements; more timely investigation of individuals alleged to have abused, neglected, or exploited residents living in nursing homes; and heightened effectiveness and coordination of complaint investigations.

### *Impact on clients and services:*

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**Program(s): 050**

A functional, responsive complaint system is one of the most critical links to the public. For citizens who believe a vulnerable adult has been abused, neglected, and/or exploited in a nursing home, AASA has a specialized, publicly accessible complaint hotline and intake unit. The Complaint Resolution Unit has established a centralized reporting system, with a 24-hour toll-free telephone number for citizens to report concerns. As public awareness of elder abuse issues increases, coupled with the continued complexity of complaints that have become the "norm," the need for timely evaluation of public concerns is crucial.

***Impact on other state programs:***

**Program(s): 050**

None

***Relationship to capital budget:***

**Program(s): 050**

None

***Required changes to existing RCW, WAC, contract, or plan:***

**Program(s): 050**

None

***Alternatives explored by agency:***

**Program(s): 050**

There are no options, as workload is exceeding resources. The complaint system not only receives complaints about alleged abuse (proportionately a small number), but many complaints allege failure to provide care and services. Failure to provide care and services may lead to the potential conclusion of harm or neglect, but this can only be determined through a professional on-site evaluation of the care and services provided.

***Budget impacts in future biennia:***

**Program(s): 050**

All costs are ongoing.

***Distinction between one-time and ongoing costs:***

**Program(s): 050**

All costs are ongoing.

***Effects of non-funding:***

**Program(s): 050**

Failure to fund this federal mandate would bring potential sanction for failure to meet the 1864 agreement including termination of the 1864 agreement, and/or placement of temporary management in the state agency. AASA is unable to cut other work being done due to mandatory survey and certification requirements.

***Expenditure Calculations and Assumptions:***

**Program(s): 050**

See attachment - AASA M2-ES HSQB 10-Day Complaint Investigation.xls

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<u>Object Detail</u>	<u>FY 1</u>	<u>FY 2</u>	<u>Total</u>
<b>Overall Funding</b>			
A Salaries And Wages	721,000	881,000	1,602,000
B Employee Benefits	156,000	191,000	347,000
E Goods And Services	112,000	132,000	244,000
G Travel	26,000	32,000	58,000
<b>Total Objects</b>	<b>1,015,000</b>	<b>1,236,000</b>	<b>2,251,000</b>

**DSHS Source Code Detail**

<u>Overall Funding</u>	<u>FY 1</u>	<u>FY 2</u>	<u>Total</u>
<b>Fund 001-1, General Fund - Basic Account-State</b>			
<u>Sources Title</u>			
0011 General Fund State	420,000	512,000	932,000
<b>Total for Fund 001-1</b>	<b>420,000</b>	<b>512,000</b>	<b>932,000</b>
<b>Fund 001-2, General Fund - Basic Account-Federal</b>			
<u>Sources Title</u>			
777G TXVIII & TXIX Survey & Certification (75%)	335,000	408,000	743,000
<b>Total for Fund 001-2</b>	<b>335,000</b>	<b>408,000</b>	<b>743,000</b>
<b>Fund 001-C, General Fund - Basic Account-DSHS Medicaid Federa</b>			
<u>Sources Title</u>			
19UL Title XIX Admin (50%)	260,000	316,000	576,000
<b>Total for Fund 001-C</b>	<b>260,000</b>	<b>316,000</b>	<b>576,000</b>
<b>Total Overall Funding</b>	<b>1,015,000</b>	<b>1,236,000</b>	<b>2,251,000</b>

**Funding Totals by Program**

Dollars in Thousands

	<u>FTE's</u>		<u>GF-State</u>		<u>Total Funds</u>	
<u>Program</u>	<u>FY 1</u>	<u>FY 2</u>	<u>FY 1</u>	<u>FY 2</u>	<u>FY 1</u>	<u>FY 2</u>
050 Long Term Care Services	11.8	14.0	420	512	1,015	1,236
150 Info Sys Svcs Div	0.0	0.0	0	0	0	0
<b>Grand Total:</b>	<b>11.8</b>	<b>14.0</b>	<b>420</b>	<b>512</b>	<b>1,015</b>	<b>1,236</b>

**Supplemental 2002**  
**M2-ES HSQB 10-Day Complaint Investigation**

**FTE ESTIMATES FOR COMPLAINT NURSES**

TOTAL REQUIREMENT		CLASS TITLE	YEARLY SALARY	21.7% BENEFITS	FY02 SALARY	FY03 SALARY	FY02 BENEFITS	FY03 BENEFITS
FY02	FY03							
11.8	14.0	Nurse Consultants- Institutional	61,097	13,258	720,945	881,019	156,445	191,181
5	5					<b>FY02</b>	<b>FY03</b>	<b>TOTAL</b>
6.75	9							
11.75								
		SALARIES (A)				720,945	881,019	1,601,963
		BENEFITS (B)				156,445	191,181	347,626
		GOODS/SUPPLIES (E)						
		2,825 ANNUAL COST PER FTE				33,335	39,550	72,885
		LEASE/ENERGY COSTS (ED)						
		4,804 ANNUAL COST PER FTE				56,687	67,256	123,943
		TRAVEL COST (G)						
		2,244 ANNUAL COST PER FTE				26,479	31,416	57,895
		PERSONNEL COSTS (E)						
		0.007 OF SALARIES				5,047	6,167	11,214
		EQUIPMENT COSTS (J)						
		1,300 ANNUAL COST PER FTE				15,340	18,200	33,540
		ISSD (TZ)						
		100 ANNUAL COST PER FTE				1,180	1,400	2,580
		<b>TOTAL COST</b>				<b>1,015,458</b>	<b>1,236,189</b>	<b>2,251,647</b>
		FED T-18				335,101	407,942	743,043
		FED T-19				259,957	316,464	576,422
		STATE T-19 MATCH				74,128	90,242	164,370
		STATE ONLY PORTION				346,271	421,540	767,811
		TOTAL FEDERAL				595,058	724,407	1,319,465
		TOTAL STATE				420,399	511,782	932,182
		GRAND TOTAL				1,015,458	1,236,189	2,251,647

**State of Washington**  
**Department of Social and Health Services**  
**Budget Unit Summary for DP: M2-ES-HSQB 10-Day Complaint Investigation**  
**Version: 22 - 2001-03 1st Sup Agency Request**

**Budget Period: 2001-03**  
**Budget Level Criteria: M2 Only**  
**DP Criteria: ES**  
**Data Type Criteria: Choose a DP**

Dollars in Thousands		FTES			Fiscal Year 1			Fiscal Year 2			Total Biennium		
Budget Sprg Unit		FY 1	FY 2	Annual Average	General Fund State	Other Funds	Total Funds	General Fund State	Other Funds	Total Funds	General Fund State	Other Funds	Total Funds
<b>Program 050 - Long Term Care Services</b>													
3000 J73 Quality Assurance		11.8	14.0	12.9	420	595	1,015	512	724	1,236	932	1,319	2,251
<b>Total Proposed Budget for Program 050 - Long Term Care Services</b>		<b>11.8</b>	<b>14.0</b>	<b>12.9</b>	<b>420</b>	<b>595</b>	<b>1,015</b>	<b>512</b>	<b>724</b>	<b>1,236</b>	<b>932</b>	<b>1,319</b>	<b>2,251</b>
<b>Program 150 - Info Sys Svcs Div</b>													
9000 A45 ISSD		0.0	0.0	0.0	0	0	0	0	0	0	0	0	0
<b>Total Proposed Budget for Program 150 - Info Sys Svcs Div</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Proposed Budget for DP: M2-ES-HSQB 10-Day Complaint Investigation</b>													
		<b>11.8</b>	<b>14.0</b>	<b>12.9</b>	<b>420</b>	<b>595</b>	<b>1,015</b>	<b>512</b>	<b>724</b>	<b>1,236</b>	<b>932</b>	<b>1,319</b>	<b>2,251</b>